

MINUTES OF THE CITY COUNCIL

CITY OF AUSTIN, TEXAS

Regular Meeting

May 4, 1950
10:00 A.M.

Council Chamber, City Hall

The meeting was called to order with Mayor Glass presiding.

Roll Call:

Present: Councilmen Drake, Johnson, Long, MacCorkle, Mayor Glass
Absent: None

Present also: Guiton Morgan, City Manager; Trueman E. O'Quinn, City Attorney; Robert Burns and W. T. Williams, Jr., Assistant City Attorneys; C. G. Levander, Director of Public Works; R. D. Thorp, Chief of Police; and Beverly Sheffield, Director of Recreation.

Councilman Johnson moved that since copies of the minutes of the last meeting of the City Council have been furnished Council members by the City Clerk, the reading of the minutes be dispensed with and that the minutes be adopted as read in the Clerk's report. Upon being duly seconded by Councilman Long, the motion was unanimously adopted by the Council and the minutes so approved.

A group of Girl Scouts was greeted and welcomed by the Council.

Councilman Johnson moved that the following application for change of zoning be referred to the Zoning Board of Adjustment for consideration and recommendation:

J. NOVY

1508 Rio Grande

From "B" Residence
To "C" Commercial

The motion, duly seconded, carried by the following vote:

Ayes: Councilmen Drake, Johnson, Long, MacCorkle, Mayor Glass

Noes: None

The following petition was received by the Council, signed by twelve property owners and occupants:

"We, the undersigned resident property owners and occupants living within the City limits of Austin, Texas, in the Walling Addition, between Grover Street and the Burnet Road, on West 49th Street, do hereby petition the City Council for sanitary sewage facilities. The over-flow from the septic tanks now in use is seeping out of the ground and causing unpleasant and unsanitary living conditions in this area for ourselves and our children."

The Council referred this request to the Department of Public Works. The Mayor stated the City would do what it could just as soon as possible, but could not give quick relief, as this was not included in this year's budget. It was estimated to cost approximately \$13,000 and would serve about 10 houses.

MR. JAY MATHEWS presented an estimate for a stadium proposed to be constructed on the soft-ball fields by the Junior Chamber of Commerce to take care of the coming Soft Ball Tournament. The estimate for this, including rest-room facilities was \$18,734.00. Mr. Mathews asked that the City match \$10,000 which the Jaycees are going to raise by the sale of advertising, stating that \$3,000 was already appropriated for restroom facilities at the field, and that would leave about \$6,000 for the City to appropriate, plus furnishing light for the restrooms, press box and stand, labor for bolting the seats, labor for painting the stadium, and for moving the present fence back and moving the bleachers to the end of the field. MR. MATHEWS stated this stadium would be turned over to the City, and the Jaycees planned to raise \$10,000 a year to be donated to a recreational project of the City. With this Stadium built, Mr. Mathews thought the World Tournament and other big tournaments would come to Austin. The Council complimented the Jaycees on this idea, and took this under consideration to check the figures and see if the City could match their funds in the construction of this Stadium, and promised an answer the following week.

MR. M. H. CROCKETT appeared before the Council inquiring about his contractors who are building houses on his property, erecting a temporary lumber shed for storage. He was advised if they proposed a temporary storage like all contractors put up while they are building that such is permissible; but if they erect a storage place and sell from there, he would have to locate in a proper zone. MR. CROCKETT was advised to work this out with the Building Inspectors Office.

MR. NICK HORNSBY was named as a member of the Bus Committee from North Austin. Mr. Hornsby accepted the appointment.

The cooperation agreement between the Housing Authority and the City was brought up for consideration. MR. JOE HILL read his statement offering 14 suggested amendments. (This statement is on file in the City Clerk's Office under the heading HOUSING) MR. GENE RAVEL submitted a resolution adopted by the AUSTIN JUNIOR CHAMBER OF COMMERCE, endorsing this over-all program unanimously and wholeheartedly and commending the City Council with its foresight in making Austin an even finer place in which to live. The AUSTIN LEAGUE OF WOMEN VOTERS sent in a letter commending the action of the Council in adopting a total program to eliminate slums from the City. MRS. ROGER J. WILLIAMS spoke in opposition to public housing. MR. FRED ADAMS spoke in opposition and suggested two ways of

providing the houses: (1) That a group of citizens would buy some land, clearing one slum district at a time; build houses, sell them at cost, with payments like rent; and the City would receive taxes and the people would live in their own homes: (2) There are 720 apartment houses of the University which will become vacant this fall, and 218 houses owned by the City; and these houses are better than the slums. People could be moved from the slums into those houses; and when the owners of the slum districts find their houses vacant, they will rebuild. He asked that a committee be appointed to work this out. The Mayor stated this was a good idea and he would be glad to appoint such a committee, and that it would take something like that along with this comprehensive housing plan. MR. ROBERT BURNS explained the Cooperation Agreement. MR. HERMAN JONES, Attorney for the Austin Housing Authority, explained the different points brought up regarding the Housing Authority and its functions. Councilman Drake offered the following resolution and moved its adoption:

(RESOLUTION)

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

That Guiton Morgan, City Manager of the City of Austin, be and he is hereby authorized and directed to execute, for and on behalf of the City of Austin, the attached contract between the City of Austin and the Housing Authority of the City of Austin, dated May 5, 1950, such contract being a Cooperation Agreement pertaining to the development and administration by the Housing Authority of the City of Austin of a low-rent housing project, consisting of five hundred and twenty (520) units, in accordance with the United States Housing Act of 1937, as amended. (Contract on File in City Clerk's Office, File No. C-)

The motion, seconded by Councilman Long, carried by the following vote:

Ayes: Councilmen Drake, Johnson, Long, MacCorkle, Mayor Glass

Noes: None

It was agreed that a little change in the contract be made that construction would be taken on competitive bids.

Councilman Drake offered the following resolution and moved its adoption:

(RESOLUTION)

WHEREAS, by deed dated March 16, 1945, the City of Austin conveyed to Mary Harrell, Effie Harrell and Ellen Harrell Gregg, Lot 6 in Block 2, Out Lot 58, Division "B" in the City of Austin, Travis County, Texas, retaining in said deed a vendor's lien to secure the payment of one note in the sum of One Thousand Dollars (\$1,000.00); and

WHEREAS, said note has been fully paid; NOW, THEREFORE:

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

That Guiton Morgan, City Manager, be and he is hereby authorized to execute a release of the vendor's lien note above described.

The motion, duly seconded, carried by the following vote:

Ayes: Councilmen Drake, Johnson, Long, MacCorkle, Mayor Glass

Noes: None

The City Manager submitted the following tabulation of bids received and opened at 10:00 A.M., April 28, 1950, for the construction of a sanitary sewer in the east branch of Waller Creek from San Jacinto Blvd. to East 38th Street:

KARL WAGNER	\$71,465.00
SOUTHERN CONTRACTING COMPANY	78,188.00
JOE BLAND	84,417.50
W. S. CONNER	86,882.50
RICHARD SCHMIDT	89,600.00

(The City's estimate on this work was \$65,000.00)

Councilman Johnson moved that KARL WAGNER be awarded the contract for the construction of the sanitary sewer in the east branch of Waller Creek from San Jacinto Blvd. to East 38th Street as low bidder in the amount of \$71,465.00. The motion, seconded by Councilman Drake, carried by the following vote:

Ayes: Councilmen Drake, Johnson, Long, MacCorkle, Mayor Glass

Noes: None

The following application for change of zoning was advertised for public hearing this date:

RECOMMENDATION OF THE ZONING

BOARD in connection with the

zoning of property of BEN

LOCKHART, 5200 Georgetown Road,

being the property owned by

WM. BOHN, R. G. MUELLER AND

SAMMIE JOSEPH

5010-5110 Georgetown Road

5206-5228 Georgetown Road

From "A" Residential

To "C" Commercial

RECOMMENDED

There was some opposition expressed by adjoining property owners, and the Council took no action on the request at this meeting. Members of the Council wanted to inspect this property before making a decision, and action was postponed until May 11th.

Councilman MacCorkle moved that the City Manager be authorized to proceed with advertisement for City depositories, bids to be received and opened at 10:30 A.M., May 18, 1950. The motion, seconded by Councilman Drake, carried by the following vote:

Ayes: Councilmen Drake, Johnson, Long, MacCorkle, Mayor Glass
Noes: None

Councilman Long offered the following resolution and moved its adoption:

(RESOLUTION)

WHEREAS, Southern Union Gas Company has presented to the City Council tentative maps or plans showing the proposed construction of its gas mains in the streets in the City of Austin hereafter named, and said maps or plans have been considered by the City Council; therefore

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

THAT Southern Union Gas Company be and the same is hereby permitted to lay and construct its gas mains in and upon the following streets:

(1) A gas main in EAST 22ND STREET, from a point 5 feet East of Coletto Street easterly 86 feet, the centerline of which gas main shall be 7.5 feet south of and parallel to the north property line of said EAST 22ND STREET.

Said gas main described above shall have a cover of not less than $2\frac{1}{2}$ feet.

(2) A gas main in MARTHA STREET, from Northwestern Avenue easterly 203 feet, the centerline of which gas main shall be 6.5 feet south of and parallel to the north property line of said MARTHA STREET.

Said gas main described above shall have a cover of not less than $2\frac{1}{2}$ feet.

The Southern Union Gas Company is hereby put on notice that the City of Austin does not guarantee that the space assigned above is clear from other underground utilities, but is based upon the best records we have at hand, and that the minimum depth stated does not have any reference to the fact that greater depths may not be required at special points. When the Southern Union Gas Company requires definite information upon the ground as to elevations or working points from which to base the location of their assignments, they shall apply to the Department of Public Works not less than three (3) days before such information is required. The Southern Union Gas Company is further put upon notice that they will be required to bear the expense of repairs or replacement of any underground utility damaged during the construction of lines named in this resolution.

AND THAT whenever pavement is cut in the vicinity of a fire plug, water must be used at intervals during the course of backfilling of the ditches.

THAT the work and laying of said gas mains, including the excavation in the streets, and the restoration and maintenance of said streets after said mains have been laid shall be under the supervision and direction of the City Manager and under all the pertinent terms and conditions of the certain franchises granted to said company by the City of Austin.

The motion, seconded by Councilman Drake, carried by the following vote:
Ayes: Councilmen Drake, Johnson, Long, MacCorkle, Mayor Glass
Noes: None

Councilman Drake introduced the following ordinance:

AN ORDINANCE AMENDING THAT CERTAIN ORDINANCE PASSED BY THE CITY COUNCIL OF THE CITY OF AUSTIN, TEXAS, JULY 17, 1941, AND RECORDED IN ORDINANCE BOOK "L", PAGES 152-174, INCLUSIVE, OF THE ORDINANCE RECORDS OF THE CITY OF AUSTIN, WHICH ORDINANCE WAS AMENDATORY OF THAT CERTAIN ORDINANCE ESTABLISHING ZONING REGULATIONS AND DISTRICTS IN ACCORDANCE WITH A COMPREHENSIVE PLAN PASSED BY THE CITY COUNCIL APRIL 23, 1931, AND RECORDED IN BOOK "I", PAGES 301-318, INCLUSIVE, OF THE ORDINANCE RECORDS OF THE CITY OF AUSTIN, THE AMENDATORY ORDINANCE HEREBY CHANGING THE USE DESIGNATION FROM "C" COMMERCIAL DISTRICT AND FIRST HEIGHT AND AREA DISTRICT TO "A" RESIDENCE DISTRICT AND FIRST HEIGHT AND AREA DISTRICT ON THE SOUTH-EAST TRIANGLE OF LOT 1, BLOCK C, DELWOOD, SECTION ONE, AND CHANGING THE USE DESIGNATION FROM "C-1" COMMERCIAL DISTRICT AND THIRD HEIGHT AND AREA DISTRICT TO "C-2" COMMERCIAL DISTRICT AND THIRD HEIGHT AND AREA DISTRICT ON LOT 7, BLOCK 2, LAKE ADDITION, BOTH IN THE CITY OF AUSTIN, TRAVIS COUNTY, TEXAS; ORDERING A CHANGE IN THE USE MAPS SO AS TO RECORD THE CHANGES HEREBY ORDERED; AND SUSPENDING THE RULE REQUIRING THE READING OF ORDINANCES ON THREE SEPARATE DAYS.

The ordinance was read the first time and Councilman MacCorkle moved that the rule be suspended and the ordinance passed to its second reading. The motion seconded by Councilman Long, carried by the following vote:

Ayes: Councilmen Drake, Johnson, Long, MacCorkle, Mayor Glass
Noes: None

The ordinance was read the second time and Councilman MacCorkle moved that the rule be suspended and the ordinance passed to its third reading. The motion seconded by Councilman Long, carried by the following vote:

Ayes: Councilmen Drake, Johnson, Long, MacCorkle, Mayor Glass
Noes: None

The ordinance was read the third time and Councilman MacCorkle moved that the ordinance be finally passed. The motion, seconded by Councilman Long, carried by the following vote:

Ayes: Councilmen Drake, Johnson, Long, MacCorkle, Mayor Glass
Noes: None

The Mayor then announced that the ordinance had been finally passed.

Councilman Johnson offered the following resolution and moved its adoption:

(RESOLUTION)

WHEREAS under Title I of the Housing Act of 1949 the Housing and Home Finance Administrator is authorized to assist local communities in eliminating their slums and blighted areas and in providing maximum opportunity, consistent with the sound needs of the locality as a whole, for the redevelopment of such areas by private enterprise, and to that end is authorized to make local public agencies advances for surveys and plans in preparation of projects, capital grants, and temporary and definitivelans; and

WHEREAS, the Housing and Home Finance Administrator will consider requests for the reservation or earmarking of the first \$200,000,000 that will be made available under Title I for capital grants; Now, Therefore,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

1. That upon the basis of preliminary studies it is considered to be in the public interest and it is the desire and purpose of the City of Austin (herein designated the "Community") that there be undertaken and carried out, with the aid of capital grants out of said \$200,000,000, certain slum clearance and redevelopment work in the Community, and that such work, or at least the surveying or planning in connection therewith, can be started prior to July 1, 1951.

2. That the Administrator be and he is hereby requested to reserve or earmark for such work out of said \$200,000,000 an amount not exceeding \$558,250.00.

3. That it is hereby recognized t at under Title I of the Housing Act of 1949 certain requirements are imposed in order to obtain Federal aid thereunder for slum clearance and redevelopment projects including requirements for the provision of local grants-in-aid, the approval of redevelopment plans by the governing body of the locality, the making of certain findings by such governingbody, and other requirements, and it is further recognized that the cooperation of the Community is necessary to carry out the slum clearance and redevelopment program which is proposed to be undertaken and for which the reservation of funds is hereby requested.

4. That Guiton Morgan, the duly authorized City Manager of the Community be and he is hereby directed to forward to said Administrator three certified copies of this Resolutionand such other supporting data and information as may be required, and that this resolution shall constitute the Community's formal request to the Administrator for the reservation of capital grant monies.

The motion, seconded by Councilman Long, carried by the following vote:
Ayes: Councilmen Drake, Johnson, Long, MacCorkle, Mayor Glass
Noes: None

The Mayor introduced the following ordinance:

AN ORDINANCE AMENDING THAT CERTAIN ORDINANCE ENTITLED "AN ORDINANCE REGULATING TRAFFIC UPON THE PUBLIC STREETS OF THE CITY OF AUSTIN; PRESCRIBING PENALTIES FOR THE VIOLATION OF SAME; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; AND DECLARING AN EMERGENCY," WHICH ORDINANCE WAS PASSED BY THE CITY COUNCIL OF THE CITY OF AUSTIN MAY 6, 1937, AND IS RECORDED IN BOOK "K", PAGES 159-179, INCLUSIVE, OF THE ORDINANCE RECORDS OF THE CITY OF AUSTIN, BY AMENDING SECTION 12(b) OF ARTICLE III RELATING TO STOP SIGN LOCATIONS; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; AND DECLARING AN EMERGENCY.

The ordinance was read the first time and Councilman Long moved that the rule be suspended and the ordinance passed to its second reading. The motion seconded by Councilman MacCorkle, carried by the following vote:

Ayes: Councilmen Drake, Johnson, Long, MacCorkle, Mayor Glass
Noes: None

The ordinance was read the second time and Councilman Long moved that the rule be suspended and the ordinance passed to its third reading. The motion, seconded by Councilman MacCorkle, carried by the following vote:

Ayes: Councilmen Drake, Johnson, Long, MacCorkle, Mayor Glass
Noes: None

The ordinance was read the third time and Councilman Long moved that the ordinance be finally passed. The motion, seconded by Councilman MacCorkle, carried by the following vote:

Ayes: Councilmen Drake, Johnson, Long, MacCorkle, Mayor Glass
Noes: None

The Mayor then announced that the ordinance had finally passed.

Councilman Johnson offered the following resolution and moved its adoption:

(RESOLUTION)

WHEREAS, by virtue of an order of sale issued August 24, 1926, out of the District Court of Travis County, Texas, in Cause No. 41,444, styled City of Austin vs. Citizens Loan & Investment Company, the property hereinafter described was sold for taxes by the Sheriff of Travis County, Texas, to the City of Austin; and

WHEREAS, the taxes on the hereinafter described property which were involved in the tax suit upon which said sale was based have been fully paid and satisfied;

NOW, THEREFORE,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

That Guiton Morgan, City Manager, be and he is hereby authorized and directed to execute a quitclaim deed for and on behalf of the City of Austin to Citizens Loan and Investment Company, its assigns and successors in title, conveying all right, title, and interest of the City of Austin in and to Lot 16 and the N.½ of Lot 17, Block 26, Travis Heights, in the City of Austin, Travis County, Texas.

The motion, seconded by Councilman Long, carried by the following vote:

Ayes: Councilmen Drake, Johnson, Long, MacCorkle, Mayor Glass

Noes: None

COUNCILMAN LONG stated she had had many inquiries from the area around JOE SAYERS and KOENIG LANE, regarding drainage, and she inquired if the storm sewer which is now under construction will take care of the water in that vicinity, as it is now under water. The Director of Public Works stated the channel that is now being cut will drain that area and take care of that situation.

COUNCILMAN JOHNSON stated that the U.S. Conference of Mayors is meeting in New York next week, and that Mayor Glass is unable to attend. Councilman Johnson moved that COUNCILMAN MacCORKLE be sent to this meeting. The motion, seconded by Councilman Long, carried by the following vote:

Ayes: Councilmen Drake, Johnson, Long, Mayor Glass

Noes: None

Present, but not voting: Councilman MacCorkle

The Mayor stated that the City was losing a very capable City Manager, and that nominations were now in order for a City Manager, and he would like to recommend MR. WALTER E. SEAHOLM, a well qualified gentleman who has been with the City in a responsible position for a long time. Councilman Drake nominated MR WALTER E. SEAHOLM as City Manager, effective June 1, 1950. The nomination was seconded by Councilman MacCorkle. There being no other nominations, the roll was called on the appointment of MR. WALTER E. SEAHOLM and the same was confirmed by the following vote:

Ayes: Councilmen Drake, Johnson, Long, MacCorkle, Mayor Glass

Noes: None

Councilman MacCorkle stated the City was very fortunate in having someone on the staff that is capable of filling the position of City Manager, and that a number of people had talked to him, and their comments had been very favorable. Mayor Glass thought it was a good policy to promote someone in the organization, and he was glad the organization had such a fine person to promote. Mr. Morgan stated he had known Mr. Seaholm a long time, and he complimented the Council on its choice, and stated Mr. Seaholm had the confidence of the organization and of the people outside the organization.

Councilman MacCorkle moved that provision be made for vacation leave for Mr. Morgan, and that he be granted two weeks leave from June 1st to June 15th. The motion, seconded by Councilman Drake, carried by the following vote:

Ayes: Councilmen Drake, Johnson, Long, MacCorkle, Mayor Glass
Noes: None

Councilman Drake offered the following resolution and moved its adoption:

(RESOLUTION)

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

That the City Manager be and he is hereby authorized and directed to execute a lease agreement, for and on behalf of the City of Austin, with Jess C. Akin for cafe space in the present Administration Building at the Austin Municipal Airport, for a term of five (5) years, all in accordance with the terms and provisions of that certain agreement dated March 1, 1947, by and between City of Austin and Jess C. Akin, and that certain supplemental agreement dated March 1, 1947, by and between the City of Austin and Jess C. Akin.

The motion, seconded by Councilman Long, carried by the following vote:
Ayes: Councilmen Drake, Johnson, Long, MacCorkle, Mayor Glass
Noes: None

Councilman Drake offered the following resolution and moved its adoption:

(RESOLUTION)

WHEREAS, the City Council of the City of Austin has found that an extensive street paving and improvement program in the City of Austin is essential, and

WHEREAS, the City Council has begun such a program by assessment proceedings and the letting of a contract to Collins Construction Company on November 22, 1949, to pave and improve twenty-seven (27) street units composed of approximately eighty (80) blocks of paving, and

WHEREAS, in the ordinances contained in such assessment proceedings, and in the contract heretofore referred to provision was made that if the contractor is unable to obtain reasonably satisfactory security as to any abutting property or owner, the whole street unit to which the frontage of such property belongs may be deleted from the contract, and

WHEREAS, in some instances the contractor has been unable to obtain reasonably satisfactory security, and the City Council now finds that unless further assurance is given to the contractor, a number of the street units included in the contract will not be improved, Now, Therefore,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

That whenever a substantial majority of the owners of property abutting any street units included in the contract heretofore referred to have indicated a desire for the improvements ordered by the City Council, by signing contracts granting to the contractor involved the security he requires, and there exist any parcels of property abutting any such street units which constitute homesteads and upon which the contractor has been unable to obtain voluntary mechanic's liens

as security, the City Manager of the City of Austin is, and shall be, authorized, in his discretion, to enter into a supplemental contract with the contractor involved, providing for the performance by the contractor of the improvement work involved in any such street unit as set forth in the original contract, with the understanding that upon completion and acceptance of the improvement work in such street unit, the City of Austin will issue the special assessment certificates heretofore provided for, and purchase from the contractor the assessments and certificates applicable to the homesteads upon which voluntary liens have not been executed, after the same have become delinquent.

Be It Further Resolved that the City Manager be and he is directed, upon the purchase of any such delinquent paving assessments and certificates, immediately to cause suit for the collection thereof to be filed and prosecuted with diligence to final judgment and satisfaction, by whatever process may be available, including execution, garnishment, and the filing of such judgments in the judgment lien records.

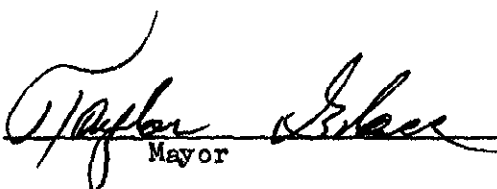
The motion, seconded by Councilman MacCorkle, carried by the following vote:

Ayes: Councilmen Drake, Johnson, Long, MacCorkle, Mayor Glass

Noes: None

There being no further business, the Council recessed at 2:00 P.M., subject to the call of the Mayor.

APPROVED:


Mayor

ATTEST:


City Clerk